

Caroline Mitchell #143124  
Elaine Wallace # 197882  
Sarah Hamilton # 238819  
Jessica Repa # 240801  
JONES DAY  
555 California Street, 26th Floor  
San Francisco, CA 94104-1500  
Telephone: (415) 626-3939  
Facsimile: (415) 875-5700  
cnmitchell@jonesday.com  
ewallace@jonesday.com  
skhamilton@jonesday.com  
jlrepa@jonesday.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATRICK M. MCCOLLUM, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

Case No. C 04-3339 CRB (EDL)

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING PLAINTIFFS'  
EXHAUSTION OF ADMINISTRATIVE  
REMEDIES**

Courtroom: 8, 19th Floor  
Judge: Hon. Charles R. Breyer  
Action filed: August 16, 2004

Counsel for Plaintiffs and Defendants hereby stipulate as follows:

**A. Plaintiff Dacus.**

1. Appeal No. ASP-M-05-02749 is exhausted and Defendants agree not to raise any issues relating to the exhaustion of this appeal.
2. The Avenal State Prison appeal dated September 19, 2005, produced at P01039-40, is exhausted and Defendants agree not to raise any issues relating to the exhaustion of this appeal.
3. No further exhaustion discovery is required for Plaintiff Donnie Dacus or Avenal State Prison or Pelican Bay State Prison.

**B. Plaintiff Collins.**

1. Appeal No. SQ-02-1251 is exhausted with respect to the seventh issue listed in the appeal regarding access to a Wiccan chaplain and Defendants agree not to raise any issues relating to the exhaustion of this appeal.

2. No further exhaustion discovery is required for Plaintiff Scott Collins or San Quentin State Prison.

**C. Plaintiff Jensen.**

1. Appeal No. SAC-A-05-01010 is exhausted and Defendants agree not to raise any issues relating to the exhaustion of this appeal.

2. The California State Prison – Sacramento appeal dated September 29, 2005, produced at P02401-03, is exhausted and Defendants agree not to raise any issues relating to the exhaustion of this appeal.

3. The California State Prison – Sacramento appeal dated October 20, 2005, produced at P02398-400, is exhausted and Defendants agree not to raise any issues relating to the exhaustion of this appeal.

4. No further exhaustion discovery is required for Plaintiff Josef Jensen.

**D. Stipulations made on October 23, 2006.**

1. On October 23, 2006, the parties stipulated that the following appeals were exhausted: Capogreco's appeal no. SVSP-B-02-4401, Collins' appeal no. SQ-02-1790, Collins' appeal no. SQ-04-1760, Duncan's appeal no. CCI-98-2782, Duncan's appeal no. CCI-S-00-00321, and Spooner's appeal no. SAC-A-00-01355.

2. Defendants agree not to raise any issues relating to the exhaustion of Capogreco's appeal no. SVSP-B-02-4401, Collins's appeal no. SQ-02-1790, Collins's appeal no. SQ-04-1760, Duncan's appeal no. CCI-98-2782, Duncan's appeal no. CCI-S-00-00321, and Spooner's appeal no. SAC-A-00-01355.

3. No further exhaustion discovery is required for these appeals.

4. No further exhaustion discovery is required for Plaintiff Ian Duncan or California Correctional Institution.

**IT IS SO STIPULATED.**

Dated: July 2, 2007

JONES DAY

By: /s/ Sarah K. Hamilton  
Sarah K. Hamilton

Attorneys for Plaintiffs

Dated: July 2, 2007

EDMUND G. BROWN JR.  
Attorney General of the State of California  
FIEL D. TIGNO  
Supervising Deputy Attorney General  
JOSHUA C. IRWIN  
Deputy Attorney General  
BONNIE J. CHEN  
Deputy Attorney General

By: /s/ Bonnie J. Chen  
Bonnie J. Chen

Attorneys for Defendants

**ORDER**

**IT IS SO ORDERED.**

Date: July 5, 2007

